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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,030	09/27/2005	Philippe Bourgoin	102792-422 (11113P4)	4787
27380 7590 02/13/2008 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022				
EXAMINER SZEKELY, PETER A				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,030

Applicant(s)

BOURGOIN ET AL.

Examiner

Peter Szekely

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 2/28/05, 3/14/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention in the specification of the detergent function of the water soluble filler.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The word "derivative" renders the claims indefinite. Carbon dioxide is a derivative of polymers and starches. It is derived by burning. There are no examples of the "derivatives" in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 8-13 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/36290 or EP 406623.

7. The examiner, who does not speak German accepts the rationale of the International Preliminary Examining Authority Without any reservations. Applicants' claims are not novel.
8. Claims 1-6, 10-14 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuraray EP 1180536, Ecolab EP298222, Unilever WO 1998/42815, Deibig et al. US 5,322,878, W.R. Grace EP 457600 or Oshika Shinko JP-55-110148.
9. The examiner who does not speak Japanese accepts the conclusions of the British Patent Office without any reservations. See paragraphs 0002, 0026-00338, claims 15, 10-14 and 18-20 of Kuraray, page 2, lines 28-40, page 3, lines 16-31, claims 1-5, 10, 13, 14, 16, 17, 19 and 20 of Ecolab, from page 5, line 27 to page 6, line 21, pages 9-11, page 21, lines 9-15, claims 1-3, 5, 6, 1-14, 16 and 17 or Unilever, column 2, lines 12-31 and lines 56-64, claims 6, 10, 13, 19 and 21 of Deibig et al., column 5, lines 11-33, claims 1-6, 10, 13 and 19 of W.R. Grace and WPI Abstract Accession No. 1980-72219C [41]; claims 1-5 and 10-12 of Oshika Shinko. Applicants' claims are not novel.
10. Claims 1-4, 9-11 and 15-18 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Milovac et al. 5,047,247, Horstmann et al. 5,629,003 or Horstmann et al. 2004/0137027.
11. See claims 1-5, 7 and 8 and Example 1 of Milovac et al. A tablet is an article, its surface is a skin and sugars have detergent functions. See claim 1 of Horstmann et al. ('003) and claims 1-3 and 12 of Horstmann et al. ('027). Applicants' claims are not novel.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milovac et al. 5,047,247, Horstmann et al. 5,629,003, Horstmann et al. 2004/0137027, WO 01/36290, EP 406623, Kuraray EP 1180536, Ecolab EP298222, Unilever WO 1998/42815, Deibig et al. US 5,322,878, W.R. Grace EP 457600 or Oshika Shinko JP-55-110148.

15. All references have been described already. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to select applicants' ingredients from a list of equivalents.

15. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 6:10 a.m.-4:40 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Szekely/
Primary Examiner, Art Unit 1796

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Primary Examiner
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/P. S./
Primary Examiner, Art Unit 1796
2/11/08